PROB 12C
Rev 2/03**United States District Court**

for

Southern District of Ohio**Amended Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: **Shane Gaskins** Case Number: **CR-1-00-041-01**
2435 Hilliard Court
Hebron, Kentucky 41048

Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott**
United States District Judge

Date of Original Sentence: **October 25, 2000**

Original Offense: **Theft of Firearms From a Federal Licensee, a violation of 18 U.S.C. § 922(u), 924(a)(1)(D), and 2, a Class C Felony**

Original Sentence: **30 month(s) imprisonment, 36 month(s) supervised release**

Special Conditions: **1) Participate in substance abuse treatment program either inpatient or outpatient, at the direction of the probation officer, which may include testing**
2) Pay \$100 special assessment
3) Pay restitution in the amount of \$44,147.70 jointly and severally with co-defendants
4) No federal, state, or local crimes
5) No illegal possession of controlled substances

Type of Supervision: **Supervised Release** Date Supervision Commenced: **June 14, 2002**

Assistant U.S. Attorney: **Ralph W. Kohnen, Esq.** Defense Attorney: **Richard Smith-Monahan, Esq.**

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons and to toll the time of supervised release.
☐ To grant an exception to revocation without a hearing.

The probation officer finds, under penalty of perjury, that probable cause to believe the defendant has violated one or more conditions of supervision exists:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	Mr. Gaskins has allegedly violated the supervised release condition which states: "The supervised releasee shall not commit another federal, state, or local crime". On December 10, 2004, Mr. Gaskins was arrested at the U.S. Probation Office in Cincinnati, Ohio, pursuant to a warrant issued by the Hamilton County Court based on information received from the Hamilton County Sheriff's Department on the charge of Robbery, under Docket Number 04/CRA/47921. According to information received by the undersigned probation officer, on November 20, 2004, Mr. Gaskins was alleged to have inflicted physical harm on a male individual while committing a theft offense. The offender allegedly punched the victim and

knocked him to the ground, and then continued to kick the victim about the head and took about \$320 in United States currency from the male victim's pants pocket. The offender was identified by the victim via a photo lineup. A warrant was issued for the defendant's arrest by the Hamilton County Municipal Court on December 6, 2004. One day after the defendant's December 10, 2004, arrest at the U.S. Probation Office, Mr. Gaskins was released on \$10,000 no ten percent bond from the custody of the Hamilton County Justice Center in Cincinnati, Ohio. No Court date has been set for Mr. Gaskins regarding this charge in the Hamilton County Municipal Court as of this date.

On December 30, 2004, Mr. Gaskins was arrested by the Hamilton County Sheriff's Department, pursuant to a warrant filed with the Hamilton County Municipal Court charging him with Trafficking in Cocaine, under Docket Number 04/CRA/49941. According to information received by the probation officer, on December 3, 2004, the offender sold .14 grams of cocaine powder to an undercover police officer. On January 26, 2005, a one count Indictment was handed down by the Hamilton County Court of Common Pleas in Cincinnati, Ohio charging Mr. Gaskins with Sale of Cocaine, under Docket Number B0500620 in violation of the Ohio Revised Code Section 2925.03(A)(1). On December 30, 2004, Mr. Gaskins was released on \$5,000-10 percent bond. The offender is now scheduled to appear in state court on both of these charges in July 2005.

#2

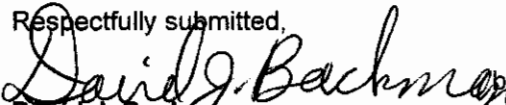
Mr. Gaskins has allegedly violated the supervised release condition which states: "The supervised releasee shall refrain from any excessive use of alcohol, and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or paraphernalia related to such substances except as prescribed by a physician". On November 22, 2004, Mr. Gaskins yielded a urine specimen at the U.S. Probation Office. This specimen was returned positive for cocaine metabolite on November 26, 2004.

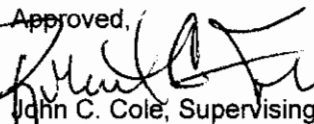
U.S. Probation Officer Recommendation:

Mr. Gaskins is scheduled to complete his term of supervised release on June 13, 2005. However, he is not scheduled to appear in Hamilton County Court on the above pending charges until July 2005. The undersigned probation officer is respectfully recommending that the Court toll Mr. Gaskins' supervised release supervision time so that the Court does not lose jurisdiction over his federal case.

The term of supervision should be

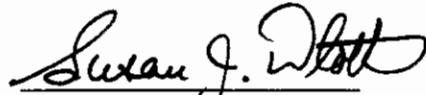
- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

Respectfully submitted,
 by 
 David J. Backman
 U.S. Probation Officer
 Date: June 3, 2005

Approved,

 John C. Cole, Supervising
 U.S. Probation Officer
 Date:

THE COURT ORDERS:

- ☐ No Action
- ☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the issuance of a Warrant for his/her arrest.
- ☒ The Issuance of a Summons and the tolling of the time of supervised release.
- ☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
- ☐ Other



Signature of Judicial Officer

6/9/05

Date